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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/789,218

02/27/2004

Dennis Redman

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EXAMINER

TYLER, STEPHANIE E

ART UNIT

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3754

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/789,218	<b>Applicant(s)</b> REDMAN ET AL.	
	<b>Examiner</b> STEPHANIE E. TYLER	<b>Art Unit</b> 3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-27,32,33,36 and 38-43 is/are pending in the application.
- 4a) Of the above claim(s) 21-27,32,33 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 21-27,32,33,36 and 38-43 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 38-40,43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speas (3,035,737) in view of Scholle (3,087,655).

The Speas reference discloses a liquid feed system consisting of at least one liquid dispenser having a manually operable positive displacement pump (9); a collapsible and disposable liquid container (21) having an outwardly extending nozzle; and the container configured to collapse as liquid therein is pumped from the outlet (fig.2) by the manually operated positive displacement pump (9), the collapsible liquid container (21) located at an elevation lower than the elevation of the at least one liquid dispenser when the liquid dispenser is in the dispensing position; and at least one line coupling (18), in fluid communication, the nozzle of the liquid container (21) to the at least one liquid dispenser.

However the Speas reference lack the nozzle being permanently attached to the container.

The Scholle reference teaches a paperboard container with a flexible liner having a nozzle 28 permanently attached to the liner (29) by heat-sealing for the purpose of "securing the nozzle to the outer ply of the liner bag" (col.2, lines 49-52).

Therefore it would be obvious to one having ordinary skill in the art at the time of the invention to have reasonably modified the Speas device to have the nozzle permanently attached to the container/liner as taught by Scholle in order to provide the liner with a fluid tight seal when dispensing liquid contents out of the liner to the nozzle.

Re: claim 39 the nozzle (when assembled to the container is the nozzle is projected therefrom) of the fluid container (21) is located at a bottom of the liquid container (21).

Re: claim 40 the nozzle (when assembled to the container is the nozzle is projected therefrom) is located at a lower side portion of the liquid container (21).

3. Claims 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Speas (3,035,737) in view of Scholle (3,087,655) as applied to claim 38 above, and further in view of Blenkush et al. (4,934,655).

The Speas and Scholle references disclose substantially all the structure and functionality of the invention; however both references lack a valve to control the flow of liquid.

The Blenkush et al. reference teaches a shutoff valve assembly (26) for the purpose of controlling the flow of fluid "between an open and closed position" (see abstract) in a passageway.

Therefore it would have been obvious to one a having ordinary skill in the art at the time of the invention to have reasonably modified the Speas device with a shutoff valve assembly as taught by Blenkush et al. in order to provide a conventional and less

Art Unit: 3754

expensive means of controlling the flow of fluid from a collapsible container through a passageway for dispensing.

Regarding claim 42, it would have been obvious to one having ordinary skill in the art at the time of the invention to have reasonably modified the Speas device to place the shutoff valve assembly as taught by Blenkush et al. between the nozzle (of Speas) and at least on line (18 of Speas) in order to provide a conventional location where the flow of soap or lotion can be controlled.

### ***Response to Arguments***

4. Applicant's arguments filed 5/13/2008 have been fully considered but they are not persuasive. Applicant's attention is drawn to the above rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3754

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Merrill et al. (3,143,249), Gordon et al. (5,156,295), and Rutter (4,322,018) are other types of various containers with nozzles that are permanently attached thereto.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHANIE E. TYLER whose telephone number is (571)272-8059. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3754

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. E. T./  
Examiner, Art Unit 3754

/Frederick C. Nicolas/  
Primary Examiner, Art Unit 3754